

AN ORDINANCE

03-0-0432

BY TRANSPORTATION COMMITTEE

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER
DESIGNEE TO EXECUTE A FIRST AMENDMENT TO THE
APRIL 17, 2000 PEOPLE MOVER EASEMENT AGREEMENT
BETWEEN GATEWAY AIRPORT ASSOCIATES L.P. AND THE
CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (the "City") owns and operates William B. Hartsfield Atlanta International Airport (the "Airport"); and

WHEREAS, the Airport is undergoing a major expansion, including the construction of a new Consolidated Rental Car Facility and associated People Mover Rail Line ("APM"); and

WHEREAS, the City and Gateway Airport Associates L.P. ("Gateway") entered into a People Mover Easement Agreement dated April 17, 2000 (the "Easement Agreement"), regarding issues pertaining to the Airport expansion, including but not limited to the City's ability to construct the People Mover Rail Line over, through, across and upon that portion of the "Easement Area" as defined in the Easement Agreement; and

WHEREAS, the City of College Park, the College Park Business and Industrial Development Authority ("the Authority") and the City entered into an Intergovernmental Agreement dated March 16, 2000, that provides the authority for College Park and/or Gateway to amend the Easement Agreement should development of the Georgia International Convention Center and the associated Gateway Development require modifications to the alignment of the APM to support the construction of hotels, support facilities, or other infrastructure projects; and

WHEREAS, Gateway Airport Associates has finalized their development plans to include the construction of hotels and other support facilities which will require minor modifications to the alignment of the APM; and

WHEREAS, it is necessary for the parties to amend the Easement Agreement to add the College Park Business and Industrial Development Authority as a party to the Easement Agreement to support and provide for the required interrelationships between the Consolidated Rental Car Facility, the People Mover Rail Line, and the Georgia International Convention Center/Gateway Station; and

WHEREAS, all of the foregoing actions and agreements are co-dependant and require the approval of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute and enter into a First Amendment to the People Mover Easement Agreement, on behalf of the City of Atlanta, modifying the easement granted from College Park and Gateway to the City over, through, across and upon that portion of the property owned by College Park, Gateway, and the Authority for the construction and maintenance of the APM, and adding the

College Park Business and Industrial Development Authority as a signatory to the People Mover Easement Agreement attached hereto as Exhibit A.

BE IT FURTHER ORDAINED, that the City Attorney be and is hereby directed to prepare the First Amendment for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER ORDAINED, that this First Amendment to the People Mover Easement Agreement shall not become binding on the City and the City shall incur no liability upon same until such Amendment has been executed by the Mayor and delivered to Gateway and Authority.

BE IT FINALLY ORDAINED, that all parts of ordinances in conflict herewith be, and are hereby repealed.

[illegible]

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: _____

From: Originating Dept. Aviation

Committee of Purview: TC

Committee Meetings: 03/12/03

Contact: Anita Williams 404-530-6600

Committee Deadline: 02/28/03

City Council Meeting: 03/17/03

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A FIRST AMENDMENT TO THE APRIL 17, 2000 PEOPLE MOVER EASEMENT AGREEMENT BETWEEN GATEWAY AIRPORT ASSOCIATES L.P. AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION: The final locations of support facilities (hotels, shops, etc.) to support the Georgia International Convention Center/Gateway Development have been finalized and approved by the Federal Aviation Administration, City of Atlanta, Gateway Airport Associates, The College Park Business and Industrial Development Authority, City of College Park and the affected airline users at Hartsfield Atlanta International Airport. The final location of hotels encroaches upon the People Mover Easement as established in the April 17, 2003 People Mover Easement Agreement. The People Mover Rail Line alignment will require minor modifications to resolve the encroachment and therefore an amendment to the People Mover Easement Agreement over, through, across and upon certain property owned by Gateway Airport Associates and the College Park Business Industrial Development Authority to facilitate construction of the associated People Mover Rail from the Consolidated Rental Car Facility to the Central Passenger Terminal Complex.

FINANCIAL IMPACT: NA

SOURCE: NA

Mayor's Staff Only:

Received by Mayor's Office: _____
(Date)

Reviewed: _____
(Initials) (Date)

Submitted to Council: _____

Action by Committee: _____ Approved _____ Adversed _____ Held _____ Amended
_____ Substitute _____ Referred _____ Other